

Message Text

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ACTION EB-11

INFO OCT-01 EA-11 IO-15 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-10 PA-03 RSC-01 AID-20 CIEP-02 SS-15

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03 OMB-01

AF-10 ARA-16 EUR-25 NEA-10 OIC-04 DRC-01 /239 W

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R 101408Z OCT 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 2009

INFO AMEMBASSY JAKARTA

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E.O. 11652: N/A

TAGS: ETRD, GATT, ID

SUBJ: INDONESIA'S GATT SCHEDULE AND WAIVER REQUEST

REF: A. GENEVA 4083

B. CULBERT-ROHR (COMMERCE) TELECONS SEPT 24 AND OCT 1

C. GATT DOC L/3939 OCT 9

D. STATE 045596

1. GATT SEC HAS ATTEMPTED TO CONSTRUCT INDONESIA GATT SCHEDULE IN LIGHT GOI FEB 73 TARIFF AND CONCORDANCE SUPPLIED BY AMEMBASSY JAKARTA. SEC FINDS 120 ITEMS IN OLD SCHEDULE NOW HAVE CORRESPONDING BTN RATE ABOVE BINDINGS AND 37 HAVE BTN RATE COMPATIBLE WITH BINDINGS. WITH REGARD 88 OTHER ITEMS, SEC UNCERTAIN AS TO PROPER ALLOCATION OF OLD ITEMS TO NEW BTN HEADINGS. COPY OF SEC'S WORK BEING POUCHED ROHR (COMMERCE). SEC ASKS IF US COMMODOTY EXPERTS ARE WILLING HELP ALLOCATE THESE 88 ITEMS.

2. SECRETARIAT DREW OUR ATTENTION TO APPARENT CON-

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FLICT BETWEEN REGULATION SIGNED BY GOI PRESIDENT

JAN 20, 1973 (PAGE 6 OF TARIFF) WHICH STATES BTN ADOPTED WITH PROVISIO GATT SCHEDULE OF CONCESSIONS "SHALL STILL BE EFFECTIVE" AND ELUCIDATION OF THIS REGULATION ISSUED BY MINISTER OF FINANCE JAN 31, 1973 (PAGE 12 OF TARIFF) WHICH SAYS THAT PENDING SUBSEQUENT NEGOTIATIONS GATT BINDINGS "TEMPORARILY SHALL NOT BE APPLIED." LOCAL GOI REP UNABLE CLARIFY.

3. IN RESPONSE SEC SUGGESTION, GOI HAS NOW SUBMITTED MEMO REF C ANNOUNCING ADOPTION OF BTN LAST JAN AND REQUESTING GATT WAIVER TO APPLY NEW RATES PENDING ARTICLE XXVIII NEGOTIATIONS. SEC HAS PREPARED DRAFT WAIVER BASED ON INDIAN PRECEDENT THIS SPRING (L/3831) INCLUDING APPLICABILITY OF NON-RECIPROCITY RULE TO THESE ARTICLE XXVIII NEGOTIATIONS. DRAFT WAIVER WOULD BE VALID UNTIL 31 DEC 75. THIS DRAFT WILL NOT RPT NOT BE CIRCULATED IN TIME FOR GATT COUNCIL CONSIDERATION OCT 19 BUT LIKELY BE TAKEN UP EARLY NOVEMBER.

4. COMMENT. WAIVER REQUEST IS IN ACCORD US SUGGESTION REF D AND MISSION CONSIDERS TEXT PER INDIAN PRECEDENT ACCEPTABLE. THESE NEGOTIATIONS WILL MOVE VERY SLOWLY IN ANY CASE BUT CANNOT EVEN START WITHOUT TRACING OLD BINDINGS IN TERMS BTN. REQUEST ADVICE WHETHER US WILLING TO TRY FILL IN GAPS IN SEC'S WORK OR ALTERNATIVE SUGGESTION. BASSIN

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